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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10-064,803	08.19.2002	Balasubramanian Srikantiah Kowdley	24-NS-125653	5718

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EXAMINER

EVANS, GEOFFREY S

ART UNIT PAPER NUMBER

1725

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,803

Applicant(s)

KOWDLEY ET AL.

Examiner

Geoffrey S Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9-11, 13, 16 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 8, 12, 14, 15 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 6) ☐ Other:

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1,6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocquel et al. in U.S. Patent No. 5,268,550 in view of Yokoi et al. in JP 2001-219,317 A in view of Webb in U.S. Patent No. 3,390,247. Blocquel et al. discloses an electric discharge machine sampling apparatus with a base plate (element 10), an electrode assembly comprising an electrode (element 27) and an electrode holder (element 23, see column 5, lines 50-55) that is used for performing in-situ sampling. Blocquel does not disclose using a bore extending all the way through the electrode and a particle collection assembly operatively connected to said electrode and the electrode bore in flow communication with the particle collection assembly. Yokoi et al. teaches

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the desirability of using suction flow to a filter to suppress the dispersion of radioactive material. Webb teaches (see figure 9) having an electrode with a bore that is in flow communication with the particle collection assembly and that the fluid flow removes gases from the gap and workpiece particles from the gap that can cause short circuits. It would have been obvious to adapt Blocquel et al. in view of Yokoi et al. and Webb to provide this to prevent the dispersion of radioactive material and remove gases from the gap. Regarding claim 6, Blocquel et al. discloses a positioning assembly (see elements 17,18,19,20).

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocquel et al. in view of Yokoi et al. and Webb as applied to claim 1 above, and further in view of Clark, Jr. et al. in U.S. Patent No. 5,408,883. It is unclear from the specification of Blocquel et al. how the electrode holder is moved and by extension the electrode. Clark, Jr et al. teaches using a motor and a drive mechanism to move an electrode (see column 7, lines 60-65). It would have been obvious to adapt Blocquel et al. in view of Yokoi et al., Webb and Clark, Jr. et al. to provide this to operably move the electrode.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blocquel et al. in view of Yokoi et al. and Webb as applied to claim 1 above, and further in view of Burns et al. in U.S. Patent No. 4,672,162. Burns et al. teaches a bracket (element 317) for aligning the apparatus. It would have been obvious to adapt Blocquel et al. in view of Yokoi et al., Webb, and Burns et al. to provide this to align the positioning of the apparatus.

6. Claims 9,10,11,13,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocquel et al. in view of Yokoi et al. and Webb as applied to claims 1 and 16 above, and further in view of Lamoureux in U.S. Patent No. 6,197,188 B1.

Lamoureux teaches using a filter for removing radioactive particles using a cartridge (see column 2, lines 30-34), an associated vacuum pump (element 55; see column 4, lines 45-51) that can be used to filter particles made by EDM (electric discharge machining; see column 6, lines 11-12). It would have been obvious to adapt Blocquel et al. in view of Yokoi et al., Webb and Lamoureux to provide this to properly filter out radioactive particles generated during the electric discharge machining process.

7. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blocquel et al. in view of Yokoi et al. and Webb as applied to claim 16 above, and further in view of Bell, Jr. in U.S. Patent No. 4,071,729. Bell, Jr. teaches controlling the current level, voltage level, pulse frequency and pulse duration. It would have been obvious to adapt Blocquel et al. in view of Yokoi et al., Webb, and Bell, Jr. to provide this to optimize the machining process according to the machining conditions.


8. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how claim 9 (which includes all of the limitations of claim 1) and claim 10 differ in scope.

9. Claims 5,7,8,12,14,15,17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (703)-308-1653. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703)-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703)-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.


Geoffrey S Evans
Primary Examiner
Art Unit 1725

GSE
May 31, 2003